

COTTONWOOD HEIGHTS

ORDINANCE NO. 180

AN ORDINANCE AMENDING CHAPTER 1.08 (INTRODUCTORY TITLE) OF THE COTTONWOOD HEIGHTS CODE OF ORDINANCES

WHEREAS, effective 14 January 2005, the city council (the "*Council*") of the city of Cottonwood Heights (the "*City*") adopted a code of ordinances (the "*Code*") for the City; and

WHEREAS, the Council met in regular session on 23 August 2011 to consider, among other things, amending Chapter 1.08 ("*Chapter 1.08*") of the Code to, *inter alia*, modify the standards for defined and undefined terms in the Code, and other matters; and

WHEREAS, after careful consideration, the Council has determined that it is in the best interest of the health, safety and welfare of the citizens of the City to so amend Chapter 1.08 of the Code as proposed;

NOW, THEREFORE, BE IT ORDAINED by the city council of the city of Cottonwood Heights as follows:

Section 1. **Adoption of Amended Chapter 1.08.** The Council hereby amends Chapter 1.08 of the Code as shown on the attached exhibit, which shows deletions to current Chapter 1.08 ~~struck through~~, and additions to current Chapter 1.08 underlined:

Section 2. **Action of Officers.** All actions of the officers, agents and employees of the City that are in conformity with the purpose and intent of this Ordinance No. 180 (this "*Ordinance*"), whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.

Section 3. **Severability.** It is hereby declared that all parts of this Ordinance are severable, and if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Ordinance.

Section 4. **Repealer.** All ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 5. **Effective Date.** This Ordinance, assigned no. 180, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's recorder, or such later date as may be required by Utah statute.

PASSED AND APPROVED this 23rd day of August 2011.

COTTONWOOD HEIGHTS CITY COUNCIL



By 
Kelvyn H. Cullimore, Jr., Mayor


Linda W. Dunlavy, Recorder

VOTING:

Kelvyn H. Cullimore, Jr.	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Gordon M. Thomas	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
J. Scott Bracken	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
E. Nicole Omer	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Tee W. Tyler	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

DEPOSITED in the Recorder's office this 23rd day of August 2011.

POSTED this 24 day of August 2011.

565650.1

Chapter 1.08

INTRODUCTORY TITLE

Sections:

1.08.010 Definitions—General.

1.08.020 Penalty for violation of code provisions.

1.08.030 Copies available for inspection.

1.08.010 Definitions—General.

In the construction of the ordinances set out in this code, and all ordinances amendatory thereof, the following definitions shall apply, unless such definitions would be inconsistent with the manifest intent of the city council, or repugnant to the context of the ordinance. Any reference in the ordinances set out in this code to a city division, department, branch, agency, or similar term that is not currently in existence, shall mean the city of Cottonwood Heights, Utah, or its contract providers as the context dictates. Any reference in this code to a department head, director, supervisor or the like that has not formally been granted such title shall mean any employee of the city of Cottonwood Heights, Utah, or of its contract providers as the context dictates, who has been, or is, assigned the subject rights, duties or responsibilities by the city's manager or city council.

A. "Board of health," "health department," or similar term means Salt Lake Valley Health Department.

B. "Business" means any activity, operation, enterprise or calling referred to in this code for which a license is required.

C. "City" means the city of Cottonwood Heights, Utah, and its contract providers as the context dictates.

D. "City council" means the city council of the city.

E. "City attorney" or "attorney" means the attorney of the city, or its contract providers as the context dictates.

F. "City clerk," "clerk" or similar term means the recorder or the director of community development as the context dictates.

G. "City engineering department," "engineering department," "city engineer," "engineer" or similar term means the engineering department of the city, or its contract providers as the context dictates.

H. "City recorder," "recorder" or similar term means the recorder of the city as the context dictates.

I. "City treasurer," "treasurer" or similar term means the treasurer of the city.

J. "Code" means this code of ordinances.

K. "Community development" or similar term means the city's community development department.

L. "Consolidated fee schedule," "city's consolidated fee schedule," "fee schedule" or the like shall constitute references to the then-current consolidated fee schedule of the city and the fees described therein, which was originally enacted by Ordinance 176, as thereafter amended, modified, superseded or re-enacted.

M. "Fire department" or similar term means the fire department of the city, or its contract providers as the context dictates, including, without limitation, the Unified Fire Authority.

N. "Highway," "public highway" or similar term means any road, street, lane, court, place, viaduct, culvert, bridge, alley, or other public way situated within the city, laid out or erected as such by the public, or dedicated, abandoned or open to the public, or made such in any action for the partition of real property, or such public property so designated by any ordinance or statute, and includes the entire area within the right-of-way.

O. "His/her," "he/she," or similar terms include the masculine, feminine or neuter form, and the singular of nouns, pronouns and verbs shall include the plurals and vice versa.

P. "Knowingly" imports only a knowledge that facts exist that bring the act or omission within the provisions of these ordinances. It does not require any knowledge of the unlawfulness of such act or omission.

Q. "Law" means and denotes applicable federal law, the Constitution and statutes of the state of Utah, the ordinances of the city and when appropriate, any and all rules and regulations which may be promulgated thereunder.

R. "License official" or similar term means the director of the appropriate division within the city, or its contract providers as the context dictates.

S. "Maliciously" or "malice" means a person engages in conduct with respect to circumstances surrounding his conduct or the results of his conduct, when he is aware of, but consciously disregards a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that its disregard constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the actor's standpoint.

T. "Manager" means the city's manager as the context dictates.

U. "Misdemeanor" means a class B misdemeanor unless another type of misdemeanor is specified.

V. "Owner" applied to a building or land, means and includes any person who owns any part of the building or land, wholly or as a joint tenant or tenant-in-common, or any less interest.

W. "Person" includes bodies politic and any individual, partnership, association, corporation, limited liability company, other entity or enterprise, or group of individuals, however styled or designated.

X. "Personal property" means and includes money, goods, chattels, things in action and evidences of debt.

Y. "Police department" "police," "law enforcement authority" or similar term means the law enforcement authorities of the city, or its law enforcement contract providers as the context dictates.

Z. "Property" means and includes real and personal property.

AA. "Public works department," "department of public works" or similar term means the department of public works of the city, or its contract providers as the context dictates.

BB. "Real property" means and includes lands, tenements and hereditaments.

CC. "Sewer department," "department of sewers," "water department" or similar term means the sewer department of the city, its contract providers or the applicable improvement district as the context dictates.

DD. "State" means the state of Utah.

EE. "Tenant" or "occupant," applied to a building or land, mean and include any person who occupies the whole or any part of such building or land, either alone or with others.

FF. "Willfully" or "willfulness," when applied to the intent with which an act is done or omitted, means and implies simply a purpose or willingness to commit the act or make the

omission referred to. It does not require any intent to violate law or to injure another or to acquire any advantage.

GG. "Writing" or "written" means and includes any handwritten, typewriting, printing, electronic storage or transmission or any other method of recording information or fixing information in a form capable of being printed.

HH. "Year" means a calendar year unless specified otherwise.

1.08.020 Penalty for violation of code provisions.

When no other penalty is prescribed, any person convicted of violating any provision or provisions of an ordinance included in these ordinances or in any ordinances hereafter enacted, shall be deemed guilty of a misdemeanor and punishable by imprisonment in the county jail not exceeding six months or by a fine in any sum less than \$1,000 or both, except that in all cases where a corporation is convicted of an offense for the commission of which a natural person would be punished as for a misdemeanor and there is no other punishment prescribed by the ordinance, such corporation is punishable by a fine not to exceed \$5,000.

1.08.030 Copies available for inspection.

Three copies of the ordinance or resolution imposing penalty for violating code provisions shall be on file for use and examination by the public in the offices of the city recorder.